

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

CHEERY WAY (USA) INC,  
a California corporation

Plaintiff,

v.

INCOM TRADING USA,  
a California corporation, et al

Defendant.

No. C 12-0486 JSC

**DECLINATION OF ENTRY OF  
DEFAULT JUDGMENT BY CLERK**

The Clerk of Court having read and considered plaintiff CHEERY Way (USA), Inc's moving papers, it is hereby ordered that the Motion for Default Judgment by Clerk as to defendants INCOM TRADING USA, and INCOM TRADING CORPORATION, INC is DENIED. Plaintiff request, in part, an award of \$1.8 million in "loss profits" in the Six Flags Theme Park Project. Plaintiff has not made a showing that these "loss profits" are actual losses and therefore find that the \$1.8 million is not a sum certain in accordance with Rule 55(b)(1) of the Federal Rules of Civil Procedure.

Dated: October 23, 2012

RICHARD W. WIEKING, Clerk



Rufino Santos  
Deputy Clerk